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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/526,619
Filing Date: March 16, 2000
Appellant(s): YAMORI ET AL.

Dexter Chang
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/7/06 appealing from the Office action mailed 4/11/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 23, 24, 26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lim (6,430,223).

Lim, in Figures 2, 4, 6, and 8-11, discloses a motion prediction apparatus and method that is the same moving picture encoding apparatus and method as specified in claims 23, 24, 26, and 27 of the present invention, in which a picture frame of an input signal 2 is encoded by predicting from both forward and backward picture frames, the picture frame having top and bottom fields, which respectively include odd numbers and even numbers of pixel scanning lines of the picture frame (Fig. 2), the method comprising the steps of first predicting in a macro-block unit composed of (n x n) pixels (Fig. 4), the top field of the picture frame from either one of top and bottom fields of only the forward picture frame (e.g. Fig. 9C), and the bottom field of the picture frame from either one of top and bottom fields of only the backward picture frame (e.g. Fig. 10B); generating a predictive picture according to the prediction (Fig. 6); and encoding the picture frame of the input signal by using the generated predictive picture (Fig. 1).

With respect to claims 24, 26, and 27, Lim also discloses second predicting in the macro-block unit (Fig. 11), the top and bottom fields of the picture frame from both the forward and backward picture frames (Fig. 8); and selectively performing the first predicting (Figs. 9 and 10).

Claims 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim in view of Appellant's admitted prior art.

Although Lim discloses selectively performing various prediction techniques, it is noted Lim differs from the present invention in that it fails to particularly disclose detecting if there is a scene change between the top and bottom fields of the picture frame of the input signal. Appellant's admitted prior art, however, illustrate the concept of such well known application of the prediction process when a scene change SC is detected.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Lim and Appellant's admitted prior art before him/her, to exploit the various applications of the prediction process, such as the scene detection examples illustrated in Figures 28-31 of Appellant's admitted prior art, in order to prevent redundancy of calculation occurring during a motion prediction of a scene change.

(10) Response to Argument

Appellant asserts on pages 7-10 of the Brief that Figures 9C and 10B are not combinable. However, it is noted Figures 9 and 10 of Lim illustrate the prediction processes in the motion prediction apparatus of Figure 6. Figure 6 illustrates the concept of such top (field) to top (field) and bottom (field) to bottom (field) prediction process 52, and the combinations (64-70) of any top and bottom variation prediction processes 62 as illustrated in Figures 9 and 10. Among them, Figure 9C illustrates the scheme wherein the top field of the picture frame (t-2) is predicted from either one of top

(solid arrow) and bottom fields (dashed arrow) of only the forward picture frame (t), and Figure 10B illustrates the scheme wherein the bottom field of the picture frame (t-2) is predicted from either one of top (dashed arrow) and bottom fields (solid arrow) of only the backward picture frame (t-3).

Appellant also asserts on pages 11-12 of the Brief that Lim fails to illustrate all features in one picture. However, Figure 6 of Lim illustrates the overall concept of the prediction scheme in one enabling drawing.

Appellant finally asserts on pages 13-14 of the Brief that AAPA fails to teach the actual detection of a scene change. However, Figures 28-31 of AAPA illustrate the concept of such scene change SC being detected at a particular point (dotted line).

Examiner acknowledges that Lim does not describe a method identical to that illustrated in appellant's Figure 1. However, claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art," it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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